

AB:TAW

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

NICHOLAS KENTEZ MCHENRY,

Defendant.

-----X

EASTERN DISTRICT OF NEW YORK, SS:

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
MIDDLE DISTRICT OF ALABAMA

(Fed. R. Crim. P. 5)

18-M-1249

BRESLIN STEVERSON, being duly sworn, deposes and states that he is a
Inspector with the United States Postal Inspection Service (“USPIS”), duly appointed
according to law and acting as such.

Upon information and belief, on or about November 30, 2018, a warrant for
the arrest of the defendant NICHOLAS KENTEZ MCHENRY was issued by the United
States District Court for the Middle District of Alabama charging the defendant with
conspiracy to possess with intent to distribute marijuana, in violation of Title 21, United
States Code, Section 846, and possession with intent to distribute, in violation of Title 21,
United States Code, Section 841(a)(1).

The source of your deponent’s information and the grounds for his belief are
as follows:¹


¹ Because the purpose of this affidavit is to set forth only those facts necessary
to establish probable cause for removal, I have not described all the relevant facts and
circumstances of which I am aware.

1. On or about November 30, 2018, the United States District Court for the Middle District of Alabama issued an arrest warrant for the arrest of the defendant NICHOLAS KENTEZ MCHENRY, signed by the appointed Clerk of Court for the United States District Court for the Middle District of Alabama, Debra P. Hackett. A copy of the arrest warrant and the indictment are attached hereto.

2. On or about December 21, 2018, USPIS arrested the defendant NICHOLAS KENTEZ MCHENRY at John F. Kennedy International airport in Queens, New York upon his arrival to the United States from Hong Kong.

3. On December 21, 2018, at the time of his arrest, the defendant NICHOLAS KENTEZ MCHENRY confirmed that his name is Nicholas McHenry and that he is the individual wanted in the Middle District of Alabama. Further, law enforcement officers compared the appearance of the defendant to the known photograph and pedigree of the individual wanted in the Middle District of Alabama, and confirmed that the defendant is the wanted individual.

WHEREFORE, your deponent respectfully requests that the defendant
NICHOLAS KENTEZ MCHENRY be removed to the United States District Court for the
Middle District of Alabama so that he may be dealt with according to law.


BRESLIN STEVERSON
Inspector
United States Postal Inspection Service

Sworn to before me this
21st day of December, 2018

/s/ SJB

THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

United States of America

v.

NICHOLAS KENTEZ MCHENRY
542 S. CONECUH STREET
GREENVILLE, AL 36037

Case No. 2:18cr478-WKW-GMB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) NICHOLAS KENTEZ MCHENRY

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice
 ☐ Order of the Court

This offense is briefly described as follows:

21 USC 846 Conspiracy to Violate the Controlled Substance Act (1 Count)
 21 USC 841(a)(1) and 18 USC 2 Violation of the Controlled Substance Act and Aiding and Abetting (1 Count)

ORIGINAL WARRANT ON FILE

THIS COPY FOR INVESTIGATIVE

PURPOSES ONLY.

Issuing officer's signature

Date: 11/30/2018City and state: Montgomery, Alabama

DEBRA P. HACKETT, CLERK OF COURT

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

2018 DEC -3 PM 12:21

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)

v.)

NICHOLAS KENTEZ MCHENRY and)
JENNIFER RAMOS)

CR. NO. 2:18 CR 478-WKW

[21 U.S.C. § 846;
21 U.S.C. § 841(a)(1);
18 U.S.C. § 2]

INDICTMENT

The Grand Jury charges:

COUNT 1

(Conspiracy to Violate the Controlled Substances Act)

Beginning at an unknown time and continuing to on or about January 6, 2018, in Butler
County, within the Middle District of Alabama, and elsewhere, the defendants,

NICHOLAS KENTEZ MCHENRY and
JENNIFER RAMOS,

did knowingly and intentionally combine, conspire, and agree together and with others to possess
with intent to distribute a controlled substance, to wit: a mixture and substance containing a
detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21,
United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section
846.

COUNT 2

(Violation of the Controlled Substances Act)

Beginning at an unknown time and continuing to on or about January 6, 2018, in Butler
County, within the Middle District of Alabama, and elsewhere, the defendants,

NICHOLAS KENTEZ MCHENRY and
JENNIFER RAMOS,

ATTEST: A True Copy. 11/30, 20 18
Certified to
Clerk, U.S. District Court,
Middle District of Alabama

BY [Signature]
Deputy Clerk

each being aided and abetted by the other, did knowingly and intentionally possess with intent to distribute a controlled substance, to wit: a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

A. The allegations contained in Counts 1 and 2 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

B. Upon conviction of the offenses in violation of Title 21, United States Code, Sections 841(a)(1) and 846, set forth in Counts 1 and 2 of this indictment, the defendants,

NICHOLAS KENTEZ MCHENRY and
JENNIFER RAMOS,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from proceeds defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 21, United States Code, Sections 841(a) and 846.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendants:

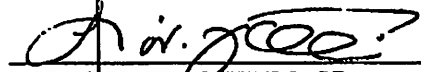
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

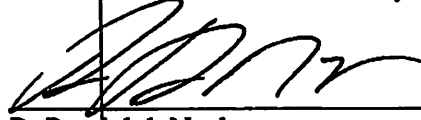
All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:


Foreperson


LOUIS V. FRANKLIN, SR.
UNITED STATES ATTORNEY


Brandon W. Bates
Assistant United States Attorney


R. Randolph Neeley
Assistant United States Attorney